

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HICHAM AZKOUR,

Plaintiff,

Civil Action No. 10 CV 4132 (RJS) (KNF

v.

LITTLE REST TWELVE INC.
RESPONSE IN CONTROVENTION OF
PLAINTIFFS RULE 56 STATEMENT

LITTLE REST TWELVE, INC. et.al

Defendants.

Pursuant to Local Rule 56.1 the non movant Little Rest Twelve Inc. (LR12) hereby controverts the statement of material undisputed facts as follows:

1. not controverted.
2. not controverted.
3. not controverted.
4. not controverted.
5. not controverted.
6. not controverted.
7. not controverted.
8. controverted: There is no record evidence to support this statement and it is a material disputed fact.
9. not controverted.
10. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment exh " C "), exh "D" affidavit of Sergei Bezrukov), LR12 Response paragraphs 17-19.

11. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment Exh " C "),
exh "D" affidavit of Sergei Bezrukov), LR12 Response paragraphs 17-19.

12. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment exh " C "),
(exh "D" affidavit of Sergei Bezrukov), and LR12 Response paragraphs 17-19.

13. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment exh " C "),
(exh "D" affidavit of Sergei Bezrukov), andLR12 Response paragraphs 17-19.

14. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment exh " C "),
(exh "D" affidavit of Sergei Bezrukov), and LR12 Response paragraphs 17-19.

15. controverted. (see, Clock Labor report (Response to Motion for Summary Judgment exh " C "),
(exh "D" affidavit of Sergei Bezrukov), and LR12 Response paragraphs 17-19.

16. not controverted.

17. not controverted.

18. controverted. The plaintiff and all employees were advised at the time of employment and were
given employees waivers to execute which outlined tip distribution policies. (see, exh. "K")

19. not controverted.

20. controverted. The plaintiff and all employees were advised at the time of employment and were
given employees waivers to execute which outlined tip distribution policies. (see, exh. "K")

21. controverted. The plaintiff and all employees were advised at the time of employment and were
given employees waivers to execute which outlined tip distribution policies. (see, exh. "K")

22. controverted. (see, statement of Eljastimi exh "E")

23. controverted. LR12 reacted appropriately, suspending plaintiff with pay so that it could investigate his claims and plaintiff resigned by letter. (see, LR12 Human Resources letters exh. "F,G" and see, exh. "A,B")

24. not controverted

25. controverted. (see, affidavit of Sergei Bezrukov exh. "D")

26. controverted. (see, affidavit of Sergei Bezrukov exh. "D")

27. controverted. Plaintiff was not terminated, Azkour resigned after being suspended with pay. (see, exh. "A,B")

28. controverted. Plaintiff was not terminated, Azkour resigned after being suspended with pay. (see, exh. "A,B") (see, affidavits of co-employees exh. "D,H,O,P")

29. controverted. (see, Clock Labor report exh "C") There is no record evidence that plaintiff worked in excess of 10 hours per day.

30. controverted. (see, Clock Labor report exh "C") There is no record evidence that plaintiff worked in excess of 10 hours per day.

31. controverted. (see, Clock Labor report exh "C") There is no record evidence that plaintiff worked in excess of 10 hours per day.

32. controverted: This is a material disputed fact. LR12 knows exactly how its policies were formulated and so do its employees. Policies were formulated in accordance with applicable law. (see, also employee acknowledgment waivers exh "K").

Dated: September 6 , 2011
New York, New York

S. Skip Taylor

S. Skip Taylor
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